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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,043	03/22/2004	George W. Ratermann	RMI-003	4080
3897	7590	09/08/2006	EXAMINER	
SCHNECK & SCHNECK P.O. BOX 2-E SAN JOSE, CA 95109-0005			LEE, CLOUD K	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/807,043

Applicant(s)

RATERMANN, GEORGE W.

Examiner

Cloud K. Lee

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/1/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the securing means being threads, the first fitting having threads on an outer surface and the first fitting having threads on an inner surface must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 17-18, 21, 24-25 and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Buermann (US Patent No. 6,003,714).

Buermann discloses a tamper notification and protection device comprising means (13) for blocking particles from entering the first fitting wherein the means for blocking is a thimble, first and second straps (2 and 3) bendable about the valve and attached the the means for blocking the first fitting (see figure 2), first strap fastenable to the second strap (28 and 94), a tab disposed on the first wherein the tab including perforations (19 and 21), an indentation at the strap is bendable (15, 16, 22 and 23), the second strap further comprises a first strap receiver (28).

Regarding claim 28, the modified Buermann discloses the first strap and second strap is bendable at any location along the straps because the straps are bendable everywhere.

4. Claims 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Oliver (US Patent No. 4,266,813).

Oliver discloses a tapered thimble (see figure 2) having inner (24, 26 and 28) and outer (16 and 18) surfaces with securing means for attachment to a thread.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buermann (US Patent No. 6,003,714) in view of Flinta et al (US Patent No. 5,386,924) and Oliver (US Patent No. 4,266,813).

Buermann fails to disclose a tapered cylinder having a base and inner and outer surfaces with securing means, and the first strap having a ring.

Flinta discloses a tapered cylinder (see figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a tapered cylinder in order to receive the nozzle as taught by Flinta (see Col 3 lines 11-17).

Flinta discloses the strap having a ring (see figure 2) wherein the ring forming a needle eye shaped (the ring is considered as needle eye shaped). It would have been obvious that one of ordinary skill in the art at the time the invention was made to have provided the strap having a ring in order to secure the tapered cylinder to the nozzle and thereby preclude the tapered cylinder from becoming lost as taught by Flinta (see Col 4 lines 60-63).

Oliver discloses a tapered cylinder having inner and outer surfaces with securing means (see figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a tapered cylinder having inner and outer surfaces with securing means in order to attach the cylinder to any different sizes of thread as taught by Oliver (see Col 1 lines 26-45).

Regarding claim 11, Buermann discloses the cylinder, first and second straps are comprised of plastic (see Col 5 lines 16-19).

Regarding claim 13, the modified Buermann discloses the first strap and second strap is bendable at any location along the straps because the straps are bendable everywhere.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buermann in view of Flinta et al and Oliver as applied to claims 1-15 above, and further in view of Robbins et al (US Patent No. 6,783,031).

Regarding claim 16, the modified Buermann fails to disclose the securing means are tangs. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided tangs as the securing because applicant has not disclosed that tangs provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with securing means are threads because Robbins et al (US Patent No. 6,783,031) disclose the threads and tangs are interchangeable and similar tangs structure for engagement is suitable (see Col 4 lines 22-29). Therefore, it would have been

an obvious matter of design choice to modify Buermann to obtain the invention as specified in claim 16.

7. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buermann (US Patent No. 6,003,714) in view of Oliver (US Patent No. 4,266,813).

Buermann fails to disclose a tapered cylinder having a base and inner and outer surfaces with securing means wherein the surfaces having tangs receiving a thread of the first fitting.

Oliver discloses a cylinder having inner and outer surfaces with securing means (see figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a tapered cylinder having inner and outer surfaces with securing means in order to attach the cylinder to any different sizes of thread as taught by Oliver (see Col 1 lines 26-45).

Regarding claims 19-20, the modified Buermann fails to disclose the securing means are tangs. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided the securing means are tangs because applicant has not disclosed that tangs provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with securing means are threads because Robbins et al (US Patent No. 6,783,031) disclose the threads and tangs are interchangeable and similar tangs structure for engagement is suitable (see Col 4 lines 22-29). Therefore, it would have been an obvious matter of design choice to modify Buermann to obtain the invention as specified in claims 19-20.

8. Claims 22-23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buermann in view of Flinta et al.

Buermann fails to disclose a tapered cylinder with securing means, and the first strap having a ring.

Flinta disclose a tapered cylinder (see figure 3). It would have been obvious that one of ordinary skill in the art at the time the invention was made to have provided a tapered cylinder in order to receive the nozzle as taught by Flinta (see Col 3 lines 11-17).

Flinta disclose the strap having a ring (see figure 2) wherein the ring forming a needle eye shaped (the ring is considered as needle eye shaped). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the strap having a ring in order to secure the tapered cylinder to the nozzle and thereby preclude the tapered cylinder from becoming lost at taught by Flinta (see Col 4 lines 60-63).

9. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buermann in view of Flinta et al as applied to claims 22-23 and 26 above, and further in view of Oliver and Robbins et al (US Patent No. 6,783,031).

The modified Buermann fails to disclose the tapered cylinder having a base includes an inner surface and an outer surface having tangs.

Oliver discloses a cylinder having inner and outer surfaces with securing means (see figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a tapered cylinder having inner and outer surfaces with



securing means in order to attach the cylinder to any different sizes of thread as taught by Oliver (see Col 1 lines 26-45).

Regarding claim 27, the modified Buermann fails to disclose the securing means are tangs. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided the securing means are tangs because applicant has not disclosed that tangs provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with securing means are threads because Robbins et al (US Patent No. 6,783,031) disclose the threads and tangs are interchangeable and similar tangs structure for engagement is suitable (see Col 4 lines 22-29). Therefore, it would have been an obvious matter of design choice to modify Buermann to obtain the invention as specified in claim 27.

10. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver in view of Robbins et al (US Patent No. 6,783,031).

Oliver fails to disclose the securing means are tangs. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided the securing means are tangs because applicant has not disclosed that tangs provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with securing means are threads because Robbins et al (US Patent No. 6,783,031) disclose the threads and tangs are interchangeable and similar tangs structure for engagement is

suitable (see Col 4 lines 22-29). Therefore, it would have been an obvious matter of design choice to modify Buermann to obtain the invention as specified in claim 32.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fleury, Jr. et al (US Patent No. 6,691,732), Richardson (US Patent No. 4,022,343) and Yandle, III (US Patent No. 5,152,314) disclose a similar device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cloud K. Lee whose telephone number is (571)272-7206. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571)272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL

A handwritten signature in black ink, appearing to read "Eric Keasel". The signature is fluid and cursive, with the first name "Eric" and last name "Keasel" clearly distinguishable.

ERIC KEASEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700